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Attorney for Defendant
JONATHAN MOSZ

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	Case No.: 2:15-CR-00219-JCM-VCF
)	
Plaintiff,)	<u>STIPULATION TO CONTINUE SENTENCING</u>
)	
)	[FIRST REQUEST]
)	
vs.)	
)	
JONATHAN MOSZ,)	
)	
)	
Defendant.)	

CERTIFICATION: This Stipulation is timely filed.

IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL BODGEN, ESQ., United States Attorney, by and through his Assistant United States Attorney, PHILLIP SMITH, JR., Esq., counsel for the United States of America; and, DONALD J. GREEN, ESQ. counsel for defendant JONATHAN MOSZ (hereinafter referred to as Defendant); and respectfully STIPULATE that the Sentencing set for JULY 12, 2016 be continued until on or after **September 20, 2016**, or to a date thereafter convenient to the Court.

1 This Stipulation is entered into for the following reasons:

2 1. The defendant is currently set for Sentencing on July 12,
3 2016.

4 2. On Thursday, June 2, 2016, the Pre-Sentence Report was
5 released via e-mail to defense counsel. At that time, defense counsel
6 was in Phoenix, Arizona attending to an unrelated case. Counsel Green
7 was then unable to access the encrypted version of the PSR. Counsel
8 Green contacted United States Probation, which instructed defense
9 counsel on the decoding of the e-mail attachment.

10 3. On Monday, June 6, 2016, defense counsel downloaded the
11 PSR, photocopied the PSR, and sent the PSR to defendant where he is
12 currently detained in Pahrump, Nevada. Defense counsel also sent a
13 copy of the 34-page PSR to the retained Federal Sentencing Guidelines
14 Consultant who is currently in the State of Oregon attending to
15 another Federal Sentencing matter.

16 4. The defense sentencing expert will not return to Nevada
17 until the first week of July, 2016.

18 5. The PSR is 34-pages long and contains a recitation
19 of defendant's history.

20 6. Defendant is housed at the Nevada Southern
21 Detention Center in Pahrump, Nevada.

22 7. Government and defense counsel Green have exchanged
23 telephone calls regarding this Stipulation.

24 8. Due to defendant's extensive criminal history and
25 pending Nevada State Court cases, defense counsel still needs
26 additional time in order to effectively prepare any potential
27 Objections and Exceptions to the PSR with the advice and
28

1 participation of the defense retained Federal Sentencing Guidelines
2 Consultant.

3 9. On June 7, 2016, defense counsel consulted with
4 defendant and defendant has agreed to a continuance of the Sentencing
5 date.

6 10. Without this requested continuance of the
7 sentencing, defense counsel has not had, nor will he have, sufficient
8 time and the opportunity within which to prepare for the sentencing
9 nor will Government Counsel have a sufficient opportunity to respond
10 to any potential objections and exceptions to the PSR.

11 11. This Stipulation does not invoke any of the provisions
12 of the Speedy Trial Act, 18 U.S.C. Section 3161, et seq.

13 12. This is the **FIRST** request for a continuance of
14 the Sentencing of the defendant.

15 DATED this ____ day of JUNE, 2016.

16 LAW OFFICES OF DONALD J. GREEN

17 BY /s/ Donald J. Green
18 DONALD J. GREEN, ESQ.
19 4760 S. Pecos Rd. #103
20 Las Vegas, Nevada 89121
Attorney for defendant
JONATHAN MOSZ

DANIEL BOGDEN, ESQ.
UNITED STATES ATTORNEY
BY
PHILLIP SMITH, JR., ESQ.
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501 Las Vegas Blvd., #1100
Las Vegas, NV 89101
GOVERNMENT COUNSEL

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) **Case No.: 2:15-CR-00219-JCM-VCF**
)
Plaintiff,)
)
)
vs.) **ORDER CONTINUING SENTENCING**
)
JONATHAN MOSZ,)
)
Defendant,)
)

Based on the Stipulation of counsel, the Court being advised of the necessity for the continuance of the sentencing of the defendant; the Court being advised of the necessity for continuance of the sentencing to allow the defense and the Government sufficient time within which to prepare and file papers concerning the 34-page Pre-Sentence Report; the Court being advised by the Government and the defense that the parties are requesting a sentencing date on or after September 20, 2016 or at the Court's convenience; the Court being advised that the defendant has consented to the continuance of the sentencing; and the Court being further advised that the Stipulation for a continuance of the Sentencing does not invoke any of the provisions of the Speedy Trial Act, and good cause appearing therefore:

ORDER

IT IS ORDERED that the Sentencing date set for JULY 12, 2016 shall be VACATED.

IT IS ORDERED that the Sentencing of the defendant shall be continued until **Monday, September 26, 2016 at 10:00 a.m.**

IT IS FURTHER ORDERED that any further continuances of the sentencing shall be considered only upon a showing of GOOD CAUSE and convenience of the Court and/or in conformance with Local General Order 2007-4.

James C. Mahan
JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE